

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

TQP DEVELOPMENT, LLC,

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*Plaintiff,*

v.

Case No. 2:12-CV-570-JRG-RSP

ADOBÉ SYSTEMS INC.,

*Defendant.*

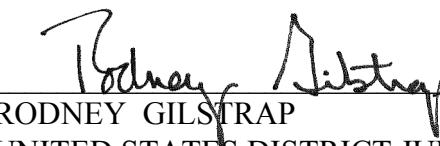
**ORDER**

Before the Court is Defendant ADOBE Systems, Inc.'s Motion to Dismiss Complaint for Failure to State a Claim and to Strike (Dkt. No. 16, filed November 1, 2012). The Magistrate Judge filed a report recommending that the motion be denied. (Report and Recommendation, Dkt. No. 62).

Adobe objects to the Report and Recommendation, in part, on the grounds that TQP's now disqualifed counsel participated in the briefing and argument on the motion to dismiss, the Court finds that Adobe has not been prejudiced by disqualifed counsel's participation. It is clear from the Report and Recommendation that the resolution of the motion did not turn on any confidential information belonging to Adobe. The Court observes that nearly identical motions to dismiss have been filed by several other defendants represented by the same defense counsel, and that resolution of each motion has been identical. Accordingly, this objection is OVERRULED.

The Court finds that remainder of Adobe's objections are without merit, and are hereby OVERRULED. The Court hereby ADOPTS the Report and Recommendation. Accordingly, Adobe's Motion to Dismiss the Complaint for Failure to State a Claim and to Strike (Dkt. No. 16) is **DENIED**.

**So ORDERED and SIGNED this 5th day of September, 2013.**



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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE